

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PATRICK BIRMINGHAM, M.D.,	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 18-cv-02852
	)	
GODFREY & KAHN, S.C. and JAMES	)	Honorable Marvin E. Aspen
JOYCE,	)	
	)	
Defendants.	)	
	)	

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**AGREED MOTION  
TO STAY EXPERT DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants, Godfrey & Kahn, S.C. and James Joyce (collectively “Defendants”), and Plaintiff, Patrick Birmingham, M.D. (“Plaintiff”), respectfully move this Court for an order staying expert discovery because the parties have agreed to mediate the case:

1. On May 9, 2019, this Court granted the parties’ Joint Motion to Extend Scheduling Order and further ordered that any final motions for summary judgment are to be filed in open court by February 13, 2020. [D.E. 24 accepting dates proposed by D.E. 22.]

Pursuant to that order, the following schedule was entered:

Fact discovery cutoff:	July 8, 2019
Disclosure of expert reports:	August 12, 2019
Completion of expert depositions:	September 15, 2019
Disclosure of rebuttal expert reports:	October 14, 2019
Completion of rebuttal expert depositions:	November 18, 2019; and
Deadline to file dispositive motions:	February 13, 2020.

2. On July 7, 2019, this Court granted Defendants’ Motion for Leave to take the remaining fact witness deposition by July 10, 2019 [D.E. 27].

3. The parties have now agreed to participate in mediation in an attempt to resolve this matter prior to engaging in expert discovery. The parties are working together to schedule the mediation for a date in early- to mid- September.

4. Accordingly, the parties request that the expert discovery schedule set by the May 9, 2019 Scheduling Order be stayed sixty (60) days, until October 8, 2019.

5. The parties do not seek this extension for purposes of delay, and no party will be prejudiced by an Order staying the previously set expert deadlines for sixty (60) days. Rather, the purpose of the extension is to enable the parties to attempt to resolve this matter.

WHEREFORE, Defendants, Godfrey & Kahn, S.C. and James Joyce, and Plaintiff, Patrick Birmingham, M.D., respectfully request that the Court grant this Agreed Motion to Stay Expert Discovery and stay the previously set expert discovery schedule by sixty (60) days.

Dated: August 5, 2019

/s/ Kyle D. Wallenberg

One of the Attorneys for Plaintiff Patrick  
Birmingham, M.D.

Kyle David Wallenberg  
Matthew G. McAndrews  
NIRO MCANDREWS, LLP  
155 N. Wacker Drive, Suite 4250  
Chicago, IL 60606  
*kwallenberg@niro-mcandrews.com*  
*mmcandrews@niro-mcandrews.com*

/s/ Julie M. Mallen

One of the Attorneys for Defendants Godfrey  
& Kahn, S.C. and James Joyce

Robert J. Palmersheim  
Anand C. Mathew  
Julie M. Mallen  
PALMERSHEIM & MATHEW LLP  
401 North Franklin Street, Suite 4S  
Chicago, Illinois 60654  
Tel: 312.319.1791  
*rjp@thepmlawfirm.com*  
*acm@thepmlawfirm.com*  
*jmm@thepmlawfirm.com*

**CERTIFICATE OF SERVICE**

I, Julie M. Mallen, an attorney, hereby state that I caused a copy of the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system on August 5, 2019, which will automatically forward notice to all attorneys of record.

/s/ Julie M. Mallen